LIBRARY
SUPREME COURT, U. S.

Supreme Court, U.S.
FILED
NOV 19 1970
E. ROBERT SEAVER, CLERK

IN THE

Supreme Court of the United States

October Term, 1970.

No. 941.

CHARLES RIVEZZO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Petition for a Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

MEMORANDUM FOR THE PETITIONER.

JACOB KOSSMAN,
1325 Spruce Street,
Philadelphia, Pa. 19107
Attorney for Petitioner.

International, 711 So. 50th St., Phila., Pa. 19143—Tel. SA 7-8711 Area Code 215

IN THE

Supreme Court of the United States

OCTOBER TERM, 1970.

No. ~~491~~ 941.

CHARLES RIVEZZO

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

MEMORANDUM FOR THE PETITIONER.

On October 26, 1970 the Truth in Lending Act (82 Stat. 146) was amended by adding the following provision relating to credit cards. § 134 entitled **Fraudulent use of Credit Card** provides:

> Whoever, in a transaction affecting interstate or foreign commerce, uses any counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card to obtain goods or services or both, having a retail value aggregating $5,000 or more, shall be fined not more than $10,000 or imprisoned not more than five years or both.

We submit that this Act is a clear expression of Congress that the misuse, as in this case, of credit cards were never intended to be prosecuted under the Federal Mail Fraud Statute.

Respectfully submitted,

JACOB KOSSMAN,
Attorney for Petitioner.

Nov. 1970.